

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

Case No.: 07 CV 4630
(CM)(KNF)

ORLANDY ARBALAEZ,

Plaintiff,

-against-

ANSWER

IMPERIAL PARKING (U.S.), Inc. a/k/a
IMPERIAL PARKING, INC.,

Defendant.

-----x

Defendant, IMPERIAL PARKING (U.S.), Inc. a/k/a IMPERIAL PARKING, INC., by its attorneys Certilman Balin Adler & Hyman, LLP, as and for its answer to the complaint, alleges as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the complaint.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the complaint.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the complaint.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the complaint.
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the complaint.
6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the complaint.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the complaint.

8. Admits to the allegations contained in paragraph 8 of the complaint.

9. Admits to the allegations contained in paragraph 9 of the complaint.

10. Admits to the allegations contained in paragraph 10 of the complaint.

11. Admits to the allegations contained in paragraph 11 of the complaint.

12. Admits to the allegations contained in paragraph 12 of the complaint.

13. Admits to the allegations contained in paragraph 13 of the complaint.

14. Admits to the allegations contained in paragraph 14 of the complaint.

15. Admits to the allegations contained in paragraph 15 of the complaint.

16. Admits to the allegations contained in paragraph 16 of the complaint.

17. Admits to the allegations contained in paragraph 17 of the complaint.

18. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the complaint.

19. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the complaint.

20. Admits to the allegations contained in paragraph 20 of the complaint.

21. Admits to the allegations contained in paragraph 21 of the complaint.

22. Admits to the allegations contained in paragraph 22 of the complaint.

23. Admits to the allegations contained in paragraph 23 of the complaint.

24. Admits to the allegations contained in paragraph 24 of the complaint.

25. Admits to the allegations contained in paragraph 25 of the complaint.

26. Denies the truth of the allegations contained in paragraph 26 of the

complaint.

27. Denies the truth of the allegations contained in paragraph 27 of the complaint.

28. Denies the truth of the allegations contained in paragraph 28 of the complaint.

29. Defendant repeats, reiterates and realleges each any every allegation contained in paragraphs "1" through "28" herein with the same force and effect as if more fully set forth at length in paragraph 28 of the complaint

30. Admits to the allegations contained in paragraph 30 of the complaint.

31. Admits to the allegations contained in paragraph 31 of the complaint.

32. Admits to the allegations contained in paragraph 32 of the complaint.

33. Denies the truth of the allegations contained in paragraph 33 of the complaint.

34. Denies the truth of the allegations contained in paragraph 34 of the complaint.

35. Defendant repeats, reiterates and realleges each any every allegation contained in paragraphs "1" through "34" herein with the same force and effect as if more fully set forth at length in paragraph 34 of the complaint

36. Admits to the allegations contained in paragraph 36 of the complaint.

37. Denies the truth of the allegations contained in paragraph 37 of the complaint.

38. Denies the truth of the allegations contained in paragraph 38 of the complaint.

39. Defendant repeats, reiterates and realleges each any every allegation contained in paragraphs "1" through "39" herein with the same force and effect as if more fully set forth at length in paragraph 39 of the complaint

40. Admits to the allegations contained in paragraph 40 of the complaint.

41. Admits to the allegations contained in paragraph 41 of the complaint.

42. Denies the truth of the allegations contained in paragraph 42 of the complaint.

43. Denies the truth of the allegations contained in paragraph 43 of the complaint.

44. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 of the complaint.

45. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45 of the complaint.

46. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 46 of the complaint.

47. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47 of the complaint.

48. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 48 of the complaint.

49. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 49 of the complaint.

50. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 50 of the complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

51. Plaintiff's claims are barred by the applicable statute of limitations.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

52. The complaint fails to state a claim upon which relief may be granted.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

53. Plaintiff's claims are barred by waiver and estoppel.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

54. To the extent that defendant violated the law, its conduct was not willful.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

55. Plaintiff failed to exhaust administrative remedies.


AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

56. Plaintiff has an adequate remedy at law.

WHEREFORE, defendant demands judgment dismissing the complaint, for the costs and disbursements in connection with this action, and for such other and further relief as the Court deems just and proper.

Dated: East Meadow, New York
July 12, 2007

CERTILMAN BALIN ADLER & HYMAN, LLP

By: 
DOUGLAS E. ROWE, ESQ. (DER 6261)
Attorneys for Defendant
IMPERIAL PARKING SYSTEMS, INC.
90 Merrick Avenue
East Meadow, New York 11554
(516) 296-7000

TO: ABDOOL HASSAD, ESQ. (AH 6510)
Attorneys for Plaintiff
175-61 Hillside Avenue, Suite 306
Jamaica, NY 11432
(718) 725-2820